

## **Limited English Proficiency Policy**

### **Section 1: Overview**

The City of Beaverton is committed to building and supporting an inclusive and well informed community. This includes making reasonable efforts that City services, and information about those services, are provided in a manner that is relevant and timely. This policy is designed to promote fair and equitable access to City information and services for individuals with limited English proficiency.

#### **1.1 Competency**

- A. The City is committed to using competent, trained and culturally sensitive translators and interpreters. This policy is for both volunteer City and professional/court certified translators and interpreters.
- B. Beaverton residents may use their own interpreters for information that is neither sensitive nor critical.
- C. To ensure accuracy, confidentiality, and in consideration of family dynamics, minor children (under 18) should not translate or interpret vital documents for family members or other limited English speakers.

### **Section 2: Definitions**

**Limited English Proficiency (LEP)** - A person with limited English proficiency (LEP) cannot speak, read, write or understand the English language at a level that permits him or her to interact effectively with City staff.

*Individuals who communicate with American Sign Language are covered in this definition, although other Federal laws and regulations, such as the Americans with Disabilities Act, apply and should be considered separately.*

**Translation** – Translation is the conversion of written communication from one language to another in a written form. An accurate translation is one that conveys the intent and essential meaning of the original text.

**In-person Translation** – In-person translation is the conversion of written communication to oral rendition from one language to another while preserving the intent and meaning of the original message.

**Interpretation** – Interpretation is the oral rendition of a spoken message from one language to another, preserving the intent and meaning of the original message.

**Employee Language Bank** – The Employee Language Bank is an internal resource that lists the City employees that have foreign language skills in order to

assist with the language needs of individuals seeking access to City services and departments on a short term basis (usually under an hour.)

An employee who works for the Language Bank should not be asked to interpret or translate sensitive or critical information. The City specifically disclaims and advises residents not to rely on the translation or interpretation of sensitive or critical information that is not done by a professional or court certified translator or interpreter.

**Language Line** – The Language Line is a commercial interpretation service accessed via the telephone.

**Vital Documents** – Vital Documents are documents that provide essential information for accessing basic City services and benefits. Examples of vital documents include:

- Consent and complaint forms
- Notices of eligibility criteria, rights, denial, loss, or decreases in benefit services
- Notices of availability of free language assistance
- Summary explanations of department's direct services

**Critical Information** – Critical information is material, either written or verbal, that may have life and death implications. An example of such information would be emergency evacuation messages.

**Sensitive Information** – Sensitive information is information of a confidential or proprietary nature that impacts, expounds on, or references the rights or responsibilities of the City or its residents under federal, state or local law. This includes information that could potentially expose the City to legal action or could have a potentially financial impact on City, the person seeking translation or interpretation services, or another person or entity.

### **Section 3:            Policy**

#### **3.1    Translation**

- A. City Departments should translate critical and vital documents into the major languages spoken by larger groups of residents in the City of Beaverton where Census data indicates that at least 5% of the population consists of a specific language group (a group that speaks English less than very well).
- B. When major projects are being conducted in a neighborhood where Census data indicates that at least 5% of the population consists of a specific language group, the City should translate and distribute relevant

information about the project in the necessary language(s).

C. If a department is providing a targeted service to a particular language group, information about the service should be translated into that language.

D. All above resources are provided to City residents free of charge.

### 3.2 Interpretation

A. City Departments should utilize existing bilingual employees when available to assist in communication with customers. In the event a bilingual City employee is not available a Language Line will be utilized to communicate with customers.

B. Reasonable efforts should be made to provide an interpreter at community meetings called by the City where data indicates that at least 5% of the population consists of a specific language group and where the City receives a request in writing five working days prior to the event.

C. Neighborhood specific events should provide interpreters in the languages where Census data indicates that 5 % of the residents represent a language group and when it is requested 5 days prior to the event.

#### Process

A. Departments and programs should first use available bilingual City employees for requests that involve the interpretation of information that is neither sensitive nor critical. Interpretations of a more complex nature should be performed by a professional or certified interpreter.

B. If City employees with the appropriate language skills are not available or the interpretation should require additional time the language line and/or a certified interpreter under contract with the City should be used.

C. The translation of any written documents should be reviewed by a professional translator on contract with the City.

The City should make reasonable efforts to provide translation and interpretation services to ensure that City services are adequately accessible to individuals with limited English proficiency. However, no particular person should rely solely upon City staff or any commercial, telephone-based interpretation service due to the wide variety of situations an individual may have. City efforts at translation and interpretation are not substitutes for competent translation and interpretation services obtained by individuals interested in accessing City services. The City cannot warrant that translation and interpretation services provided under this policy should be adequate for the purposes of every individual in every circumstance and disclaims any liability alleged to arise from such

services.

The City should periodically review this policy and make adjustments, as appropriate, based on changing demographics and other community needs and factors.

## Beaverton CDBG 4-Factor Analysis

**Purpose:** In Compliance with Executive Order 13166, the City of Beaverton (hereinafter referred to as “the City”) has developed the following Language Access Plan (LAP) for Limited English Proficiency (LEP) persons.

The City is committed to ensuring that no person is excluded from participation in or denied the benefits of its Community Development Block Grant program on the basis of his or her ability to speak English.

**History:** Title VI of the Civil Rights Act of 1964 is the federal law which protects individuals from discrimination on the basis of their race, color, or national origin in programs that receive federal financial assistance. In certain situations, failure to ensure persons who have limited English proficiency can effectively participate in, or benefit from, federally assisted programs may violate Title VI’s prohibition against national origin discrimination.

Persons who, as a result of national origin, do not speak English as their primary language and who have limited ability to speak, read, write, or understand English may be entitled to language assistance under Title VI to receive a particular service, benefit, or encounter.

**City of Beaverton Four-Factor Analysis:** The following four factor analysis will serve as the guide for determining which language assistance measures the will undertake to guarantee access to City programs by LEP persons.

1. The number or proportion of LEP persons within the City who may be served or are likely to be served by the City’s CDBG program.

The threshold for triggering LEP compliance is at least 5% LEP population or more than 1,000 persons.

For determining the LEP population in Beaverton, Oregon, the City of Beaverton utilized U.S. Census Bureau’s *Characteristics of Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over 2006-2010 American Community Survey 5-Year Estimates* (Table

B16001). Based on this data, the City of Beaverton has persons with imputed language status of 12.75% (10,489/82,248).

Language	Estimate	Percentage
Spanish speaks English less than “very well”	5,619	6.8%
French speaks English less than “very well”	14	<0.1%
Italian speaks English less than “very well”	18	<0.1%
Portuguese speaks English less than “very well”	9	<0.1%
German speaks English less than “very well”	12	<0.1%
Other West Germanic languages speaks English less than “very well”	27	<0.1%
Scandinavian languages speaks English less than “very well”	15	<0.1%
Russian speaks English less than “very well”	427	0.5%
Serbo-Croatian speaks English less than “very well”	41	<0.1%
Other Slavic languages speaks English less than “very well”	50	<0.1%
Armenian speaks English less than “very well”	30	<0.1%
Persian speaks English less than “very well”	89	0.1%
Gujarati speaks English less than “very well”	42	<0.1%
Hindi speaks English less than “very well”	96	0.1%
Other Indic languages speaks English less than “very well”	92	0.1%
Other Indo-European languages speaks English less than “very well”	114	0.1%
Chinese speaks English less than “very well”	680	0.8%
Japanese speaks English less than “very well”	500	0.6%
Korean speaks English less than “very well”	768	0.9%
Mon-Khmer, Cambodian speaks English less than “very well”	203	0.3%
Hmong speaks English less than “very well”	51	<0.1%
Thai speaks English less than “very well”	185	0.2%
Laotian speaks English less than “very well”	45	<0.1%
Vietnamese speaks English less than “very well”	477	0.6%
Other Asian languages speaks English less than “very well”	248	0.3%
Tagalong speaks English less than “very well”	103	0.1%
Other Pacific Island languages speaks English less than “very well”	187	0.2%
Other Native American languages speaks English less than “very well”	7	<0.1%
Hungarian speaks English less than “very well”	26	<0.1%

Arabic speaks English less than “very well”	231	0.3%
African languages speaks English less than “very well”	83	0.1%
Total Population 5 Years and Older	82,248	100%

## 2. The frequency with which the LEP Persons come into contact with City CDBG programs.

According to 2010 ACS data, less than 13% of Beaverton’s population over the age of five speaks English less than “very well”. According to the ACS data, Spanish speaking residents make up the largest population of Beaverton residents who speak English less than “very well”. 5,619 residents, or 6.8% of the City’s population indicate they speak English less than “very well” and speak Spanish at home. Spanish speakers make up approximately 54% of non-English speaking Beaverton residents. All other language speakers make up less than 1% of the City’s population, with Korean speakers (0.9% of the City population and 7.3% of non-English speaking residents) make up the next largest population group.

The City does not administer most of its CDBG program activities directly, but frequently refers Beaverton residents to the service providers who receive City CDBG funds.

On average, staff encounter a non-English speaking client once a month. Most of these clients speak Spanish, but occasionally staff will receive a call or visit from a resident who speaks an Asian language (such as Vietnamese or Chinese).

When clients do not speak English well staff work with the client to identify what language they feel most comfortable speaking in and find either an in-house staff member who interprets or use a professional service to interpret. No client is denied service or refused information because they do not speak English well. Most clients who call the CDBG program are seeking information about housing or housing rehabilitation services.

## 3. The nature and importance of the program, activity, or service provided by the program.

The City of Beaverton's CDBG program primarily delivers services through subrecipients rather than directly to Beaverton residents. The following is a summary of CDBG programs and their importance:

**Administration:** 20% of the annual CDBG award is set aside for administration activities. This includes the budget for communications/outreach and fair housing activities. The City typically contracts with Fair Housing Council of Oregon for fair housing services (such as a fair housing hotline and trainings). This agency offers support in multiple languages.

**Housing Programs:** The largest portion of the City's CDBG budget is allocated to housing programs including accessibility modifications, housing rehabilitation and homebuyer programs. All of these programs are delivered through subrecipients.

Proud Ground currently delivers the City's homebuyer activities, and their program materials, including outreach and applications, are available in multiple languages, including Spanish.

Unlimited Choices currently delivers all of the City's housing rehabilitation programs including Adapt-a-Home, Mend-a-Home, and Hope-4-Homes. Outreach materials for these programs have been developed in English, Spanish, Korean, Russian, Chinese and Japanese. Currently the applications for these programs are only available in English.

The City does not own/provide any housing or shelter sites.

**Service Programs:** The City of Beaverton allocates 15% of its annual CDBG award to local non-profit agencies for public service activities. These agencies deliver services directly to eligible residents and referral is not through City staff.

**Economic Development Programs:** The City provides façade improvement grants to businesses within its downtown/old town core and funds micro-enterprise assistance programs through subrecipients.

The façade improvement program provides \$20,000 matching grants to business or building owners within Beaverton's central core.



Micro-Enterprise assistance is provided to eligible Beaverton residents or business owners to help start or expand businesses that are owned by low and moderate income persons and have five or fewer total employees.

While ensuring access to all CDBG-funded activities to all Beaverton residents is important, applications/intake forms, consent forms, short descriptions of services and notices advising LEP persons of free language assistance make up the vital documents that ensure meaningful access to CDBG funded projects/programs.

#### 4. The resources available and costs to the City.

City staff may utilize “I Speak” cards at no cost to help identify what language a customer speaks if they cannot speak English well.

The City of Beaverton currently provides incentive pay to staff that are fluent in a foreign language for time they spend providing interpretive services or translation assistance. A list of these employees can be found on the City’s Intranet and this makes up the City’s language bank.

If staff cannot find a language bank employee to assist when a customer has a language barrier, the City has a standing contract with Passport to Languages to provide interpretation services of the phone as needed.

The City maintains relationships with community based organizations such as the Beaverton Hispanic Center, the Center for Intercultural Organizing, the Oregon Korean Community Center and others who can assist non-English speaking clients access services.

The CDBG program sets aside a portion of its administration budget for public relations expenses; translation and interpretation are a part of this budget. The City will prioritize translating vital documents into Spanish and other languages (as the City’s population/demographics change). If budget allows, and there is demand, the City will consider translating non-vital CDBG-related documents. Historically, translation and interpretation costs have varied based on the length and nature of the document or information being translated or interpreted. The City’s CDBG program will continue to translate vital program documents to increase the number of documents available to LEP individuals.

## LEP Action Plan PY 2013 & 2014

### CDBG Vital Documents:

Document	Language	Date
Notice of Services Available	Spanish	June 2013
Hope-4-Homes Application (Bilingual)	Spanish	July 2013
Mend-a-Home Application (Bilingual)	Spanish	July 2013
Adapt-a-Home Application (Bilingual)	Spanish	July 2013
Denial of Services	Spanish	June 2013
Complaint Form	Spanish	June 2013
Storefront Improvement Application	Spanish	September 2014
Housing Rehab Contractor Approval Form	Spanish	November 2014

### CDBG Documents in other languages:

- ✓ Fair Housing brochures and referral information
- ✓ Housing rehabilitation program brochures